

Recommended Contract Agency Compliance Plan for Title VI

The following outline describes the recommended format and components of a sub-recipient Title VI Plan to be maintained on file at the provider agency. The Title VI plan is required for contractors, sub-recipients, or facilities providing services through an agreement with the Department of Human Services. DHS will provide the identified components (**DHS**) to assist with implementation. It is the provider agency's responsibility to comply with Title VI requirements.

- I. Introduction
 - a. Statute (**DHS**)
 - b. Purpose (**DHS**)
 - c. LEP (**DHS**)
 - d. Covered Entities (**DHS**)
- II. Census Demographics
 - a. Tennessee Minority Population (**DHS**)
- III. Title VI Coordinator
 - a. Designation by agency
 - b. Responsibilities
 - c. Training Presentation - PowerPoint Presentation (**DHS**) or Video
 - d. Training Roster (**DHS**)
- IV. Monitoring for Compliance
 - a. Contract Language and Assurances (copy of Title VI contract language and any required Title VI Assurances)
 - b. Internal Monitoring
 - c. Contract Monitoring
- V. Public Notification
 - a. DHS Title VI brochure (**DHS**)
- VI. Complaint Procedures
 - a. Complaint logs
 - b. Investigations
 - c. Reporting
 - d. Appeals
- VII. Glossary
 - a. Definition of terms (**DHS**)
- VIII. Sample forms
 - a. Complaint form (**DHS**)
 - b. Complaint log (**DHS**)
 - c. Report of Investigation form (**DHS**)
 - d. Appeal or Complaint Withdrawal form (**DHS**)
 - e. Appeal form (**DHS**)
- IX. Compliance Plan Survey
 - a. Survey Memorandum
 - b. Survey (**DHS**)

Contract Agency Title VI Compliance Plan
Information on Recommended Content of Plan

Section I: Introduction

Copies of the Statute, Purpose, Limited English Proficiency (LEP) and Covered Entities are enclosed. The Title VI policy applies to all programs and facilities operated directly by the Tennessee Department of Human Services and to all facilities and programs operated by agencies under contract to the Department. The intent of the Title VI regulation is to ensure that all persons, regardless of their race, color or national origin, are allowed to participate in federally funded programs. When an agency has a board or committee which acts in an advisory or policy making capacity, the agency should take steps to ensure that minorities are notified of the existence of these groups and are provided equal opportunity to participate as members.

Section II: Census Demographics

Census information for Tennessee's Minority population is enclosed. Other demographic information for individual counties may be obtained from the Census 2000 web site at www.census.gov. If you are unable to contact the Bureau on-line, you may contact them by mail at U.S. Census Bureau, Washington, D.C. 20233, or contact their Public Information Office for assistance at (301) 763-3030.

Section III: Title VI Coordinator

Each agency under contract with the Department must designate one individual as the Title VI Coordinator to be responsible for compliance with regulations at their agency. The name and contact information for this person should be forwarded to the Department. A list of duties for this Coordinator is enclosed.

The agency's Title VI Coordinator will also be responsible for ensuring Title VI training. Included in your agency's staff training manual should be information on Title VI. All staff should receive In-Service training on an annual basis to continually inform and reinforce to staff their responsibility to provide quality services to all clients regardless of their race, color and national origin. Title VI training should be included in all new employee orientation sessions. All training should be documented and a training roster provided to the Department. A copy of the Title VI training PowerPoint Presentation, *Title VI: Civil Rights Act of 1964*, is enclosed for use in staff training activities.

Section IV: Monitoring for Compliance

All contracts and grant agreements between the Department and the sub-recipients contain language regarding the agency's intent to comply with Title VI regulations. The agency should have in place internal monitoring procedures to ensure the agency's continued compliance with Title VI regulations. Contract agencies will continue to be monitored by Department of Human Service's (DHS) Performance Review Team for compliance with all terms of their contracts with the Department including Title VI. The Department may also conduct routine compliance reviews of the grants/contracts not scheduled for review by DHS.

Section V: Public Notification

Agencies under contract to the Department must notify the public about all available services and about their rights under Title VI. Notification methods may include the displaying of posters, distribution of brochures and the inclusion of a nondiscrimination statement on agency publications. Copies of the Department's Title VI poster and brochure are included with this informational packet.

Section VI: Complaint Procedures

All clients participating in a federally funded program under contract to the Department have the right to file a complaint and subsequent appeals in the event they feel that they have been discriminated against in the application for or the receipt of services. The Department has specific procedures in place to ensure that Title VI complaints are handled in accordance with the complaint guideline procedures as set forth by Federal and State law and the Tennessee Title VI Compliance Commission of the State of Tennessee. A copy of these procedures is included with this packet.

Section VII: Glossary

A list of definitions of terms used in Title VI compliance policy is included with this information.

Section VIII: Sample forms

Forms need by contract agencies and clients to document compliance and to file complaints and appeals are included in this packet. Agency Title VI Coordinators should become familiar with each of these forms and inform clients and staff of their availability and use. It is the contract agency's responsibility to comply with Title VI regulations and to submit required documentation in a timely manner.

Section IX: Compliance Plan Survey

A compliance plan survey has been included in this packet, and should be complete and returned to the Department on the date instructed on the memo. Compliance Plan Surveys are used by the Department as an internal monitoring source to ensure that all contracted agencies are complying with Title VI.

Title VI Statute and Regulation

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d et. seq., states: "No person in the United States shall on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Regulations implementing Title VI, provide in part at 45 C.F.R. Section 80.3 (b):

"(1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on ground of race, color, or national origin:

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program or the class of individuals to whom, or the situations in which such services, financial aid or other benefits, or facilities will be provided ... ***may not directly, or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination, because of their race, color or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular, race, color or national origin.***" (emphasis added).

Title VI of the Civil Rights Act of 1964

Purpose

The purpose of Title VI of the Civil Rights Act of 1964 is to prohibit programs that receive federal funds from discriminating against participants on the basis of race, color or national origin.

Title VI of the Civil Rights Act of 1964, as codified in 42 U.S.C. 2000d, states: No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

The intent of the law is to ensure that all persons, regardless of their race, color or national origin, are allowed to participate in these federally funded programs. To ensure that the department meets its compliance responsibility, procedures have been established to provide for monitoring of Title VI compliance, activities and complaint processing in programs, directly or indirectly responsible to the department (i.e., the department's own programs, contracted services, and departmentally-funded community service organizations, all of which receive federal/state funding in whole or in part).

In 1993, the Tennessee General Assembly passed Pubic Chapter 502, which requires each entity of state government to develop a Title VI Implementation Plan to be reviewed annually. Governor Ned McWherter signed Executive Order No 56 which directed all state commissioners to review current programs for Title VI compliance. Both requirements remain in effect. The Title VI policy applies to all programs and facilities operated directly by the department and to all facilities and programs operated by individuals or groups under contract with the department.

Limited English Proficiency (LEP)

Overview

A recipient/covered entity whose policies, practices or procedures exclude, limit, or have the effect of excluding or limiting, the participation of any LEP person in a federally-assisted program on the basis of national origin may be engaged in discrimination in violation of Title VI. In order to ensure compliance with Title VI, recipient/covered entities must take steps to ensure that LEP persons who are eligible for their programs or services have meaningful access to the health and social service benefits that they provide. The most important step in meeting this obligation is for recipients of Federal financial assistance such as grants, contracts, and subcontracts to provide the language assistance necessary to ensure such access, at no cost to the LEP person.

The type of language assistance a recipient/covered entity provides to ensure meaningful access will depend on a variety of factors, including the size of the recipient/covered entity, the size of the eligible LEP population it serves, the nature of the program or service, the objectives of the program, the total resources available to the recipient/covered entity, the frequency with which particular languages are encountered, and the frequency with which LEP persons come into contact with the program.

The steps taken by a covered entity must ensure that the LEP person is given adequate information, is able to understand the services and benefits available, and is able to receive those for which he or she is eligible. The covered entity must also ensure that the LEP person can effectively communicate the relevant circumstances of his or her situation to the service provider.

Oral Language Interpretation

In designing an effective language assistance program, a recipient/covered entity must develop procedures for obtaining and providing trained and competent interpreters and other oral language assistance services, in a timely manner, by taking some or all of the following steps:

- Hiring bilingual staff who are trained and competent in the skill of interpreting;
- Hiring staff interpreters who are trained and competent in the skill of interpreting;
- Contracting with an outside interpreter service for trained and competent interpreters;
- Arranging formally for the services of voluntary community interpreters who are trained and competent in the skill of interpreting;
- Arranging/contracting for the use of a telephone language interpreter service.

Interpreters

(a) Use of Friends, Family and Minor Children as Interpreters

A recipient/covered entity may expose itself to liability under Title VI if it requires, suggests, or encourages an LEP person to use friends or family members as interpreters, as this could compromise the effectiveness of the service. Use of such persons could result in a breach of confidentiality or reluctance on the part of individuals to reveal personal information critical to their situations. In a medical setting, this reluctance could have serious, even life threatening, consequences. In addition, family and friends usually are not competent to act as interpreters, since they are often insufficiently proficient in both languages, unskilled in interpretation, and unfamiliar with specialized terminology. Departmental policy prohibits the use of minors as interpreters.

If after a recipient/covered entity informs an LEP person of the right to free interpreter services, the person declines such services and requests the use of a family member or friend, the recipient/covered entity may use the family member or friend, if the use of such a person would not compromise the effectiveness of services or violate the LEP person's confidentiality. The recipient/covered entity should document the offer and declination in the LEP person's file. Even if an LEP person elects to use a family member or friend, the recipient/covered entity should suggest that a trained interpreter sit in on the encounter to ensure accurate interpretation.

(b) Competence of Interpreters

In order to provide effective services to LEP persons, a recipient/covered entity must ensure that it uses persons who are competent to provide interpreter services. Competency does not necessarily mean formal certification as an interpreter, though certification is helpful. On the other hand, competency requires more than self-identification as bilingual. The competency requirement contemplates demonstrated proficiency in both English and the other language, orientation and training that includes the skills and ethics of interpreting (e.g. issues of confidentiality), fundamental knowledge in both languages of any specialized terms, or concepts peculiar to the recipient/covered entity's program or activity, sensitivity to the LEP person's culture and a demonstrated ability to convey information in both languages, accurately. A recipient/covered entity must ensure that those persons it provides as interpreters are trained and demonstrate competency as interpreters.

Translation of Written Materials

- (a) The recipient/covered entity provides translated written materials, including vital documents, for each eligible LEP language group that constitutes ten percent or 3,000, whichever is less, of the population of persons eligible to be served or likely to be directly affected by the recipient/covered entity's program;
- (b) Regarding LEP language groups that do not fall within paragraph (A) above, but constitute five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be directly affected, the recipient/covered entity ensures that, at a minimum, vital documents are translated into the appropriate non-English languages of such LEP persons. Translation of other documents, if needed, can be provided orally; and
- (c) Notwithstanding paragraphs (A) and (B) above, a recipient with fewer than 100 persons in a language group eligible to be served or likely to be directly affected by the recipient/covered entity's program, does not translate written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral translation of written materials.

Methods for Providing Notice to LEP Persons

A vital part of a well-functioning compliance program includes having effective methods for notifying LEP persons regarding their right to language assistance and the availability of such assistance free of charge. These methods include, but are not limited to:

- (a) Use of language identification cards, which allow LEP beneficiaries to identify their language needs to staff and for staff to identify the language needs of applicants and clients. To be effective, the cards (e.g., "I speak cards") must invite the LEP person to

identify the language he/she speaks. This identification must be recorded in the LEP person's file;

- (b) Posting and maintaining signs in regularly encountered languages other than English in waiting rooms, reception areas and other initial points of entry. In order to be effective, these signs must inform applicants and beneficiaries of their right to free language assistance services and invite them to identify themselves as persons needing such services;
- (c) Translation of application forms and instructional, informational and other written materials into appropriate non-English languages by competent translators. For LEP persons whose language does not exist in written form, assistance from an interpreter to explain the contents of the document;
- (d) Uniform procedures for timely and effective telephone communication between staff and LEP persons. This must include instructions for English-speaking employees to obtain assistance from interpreters or bilingual staff when receiving calls from or initiating calls to LEP persons; and
- (e) Inclusion of statements about the services available and the right to free language assistance services, in appropriate non-English languages, in brochures, booklets, outreach and recruitment information and other materials that are routinely disseminated to the public.

Covered Entities

All entities that receive Federal financial assistance from HHS, either directly or indirectly, through a grant, contract or subcontract, are covered by this policy guidance. Covered entities include (1) any state or local agency, private institution or organization, or any public or private individual that (2) operates, provides or engages in health, or social service programs and activities and that (3) receives federal financial assistance from HHS directly or through another recipient/covered entity. Examples of covered entities include but are not limited to hospitals, nursing homes, home health agencies, managed care organizations, universities and other entities with health or social service research programs, state, county and local health agencies, state Medicaid agencies, state, county and local welfare agencies, programs for families, youth and children, Head Start programs, public and private contractors, subcontractors and vendors, physicians, and other providers who receive Federal financial assistance from HHS.

The term Federal financial assistance to which Title VI applies includes, but is not limited to, grants and loans of Federal funds, grants or donations of Federal property, details of Federal personnel, or any agreement, arrangement or other contract which has as one of its purposes the provision of assistance. (See, 45 C.F.R. Section 80.13(f); and Appendix A to the Title VI regulations, 45 C.F.R. Part 80, for additional discussion of what constitutes Federal financial assistance).

Title VI prohibits discrimination in any program or activity that receives Federal financial assistance. What constitutes a program or activity covered by Title VI was clarified by Congress in 1988, when the Civil Rights Restoration Act of 1987 (CRRRA) was enacted. The CRRRA provides that, in most cases, when a recipient/covered entity receives Federal financial assistance for a particular program or activity, all operations of the recipient/covered entity are covered by Title VI, not just the part of the program that uses the Federal assistance. Thus, all parts of the recipient's operations would be covered by Title VI, even if the Federal assistance is used only by one part.

TENNESSEE MINORITY POPULATION

Tennessee's total population, 2000	5,689,283
Black or African American persons, percent 2000	16.4%
American Indian and Alaska native persons, percent, 2000	.3%
Asian persons, percent, 2000	1.0%
Native Hawaiian and Other Pacific Islander, percent, 2000	>0,but <.1%
Persons of Hispanic or Latino Origin, percent, 2000	2.2%
Persons reporting some other race, percent, 2000	1.0%
Persons reporting two or more race, percent, 2000	1.1%
Foreign Born persons, percent, 2000	2.8%
Language other than English spoken at home, pct age 5+, 2000	4.8%

*Information given is provided by the 2000 U.S. Census

<http://quickfacts.census.gov/qfd/states/47000.html>

Title VI Coordinator Designation

Agency Name: _____

Agency Address: _____

Title VI Coordinator: _____

Phone Number: _____

Address (if different than Agency's): _____

Position within Agency: _____

Date Appointed: _____

Title VI Coordinator Responsibilities

The Contract agency's Title VI Coordinator will be responsible for educating staff of their responsibilities under Title VI, informing clients of their rights under Title VI, monitoring the agency for continued compliance with the Title VI regulation and maintaining and submitting all required documentation for Title VI compliance.

Such duties may include:

- Ensuring all new employees receive Title VI training during staff orientation;
- Conducting annual In-Service training for all employees;
- Ensuring procedures are in place to inform clients of their rights under Title VI;
- Displaying and distributing Title VI posters and brochures;
- Conducting internal monitoring activities to ensure staff compliance with Title VI;
- Maintaining complaint log and conducting investigations when necessary;
- Submission of the annual Title VI Compliance Plan report and other required documents to the Department of Human Services in a timely manner; and
- Other duties as necessary to ensure agency compliance with the Title VI regulation.

TRAINING

On-going training should be conducted for new employees and annual in-service training for current employees to keep them apprised of current Title VI laws and regulations. During this training process, employees should be provided with the following information: name and address of their area Title VI coordinator; the address of the DHS Title VI Coordinator; the address of the Tennessee Title VI Commission; the address of the U.S. Department of Health and Human Services; and the process to file a Title VI complaint.

Training rosters should be kept by all subrecipients, and should be available upon request for both internal and external monitoring.

DHS TITLE VI TRAINING

County: _____
Facility: _____
Date: _____

Trainer: _____
Address: _____
Phone #: _____

Name – Please Print	Job Title	Ethnic/Racial	Contractor?

Please return all Title VI rosters to: **Natasha Webster**
Title VI Coordinator
400 Deaderick St., 15th Fl.
Nashville, TN 37248

Monitoring for Compliance

A. Contract Language

State and Federal Compliance. The Grantee shall comply with all applicable state and federal laws and regulations in the performance of this Grant Contract.

Nondiscrimination. The Grantee hereby agrees, warrants, and assures that no person shall be excluded from participation in, be denied benefits or, or be otherwise subjected to discrimination the performance of this Grant Contract or in the employment practices of the Grantee on the grounds of disability, age, race, color, religion, sex, national origin, or any other classification protected by Federal, Tennessee State constitutional, or statutory law. The Grantee shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

B. Internal/Contract Monitoring

The Department of Human Services currently has employees from on its program review team conducting routine compliance reviews of selected subrecipients. DHS' Title VI Coordinator will review a sample of the subrecipients that not reviewed by the Program Review Team.

COMPLAINTS OF DISCRIMINATION

The department resolves Title VI complaints with due diligence in accordance with complaint guideline procedures as set forth by the Human Rights Commission of the State of Tennessee.

Complaint Procedures

Anyone alleging racial/ethnic discrimination against department's personnel may file a complaint with the facility's local Title VI coordinator or directly with the department Title VI Coordinator. Complaints may also be filed with the Tennessee Human Rights Commission (state level); the U.S. Regional Office for Civil Rights, U.S. Department of Health and Human Services; and/or the Department of Justice (federal level). A complaint may be filed at both the state and the federal levels, separately or concurrently, at any time during the process.

- A. Instruct the complainant to submit the complaint in writing, preferably on Form HS-2631, *Complaint Under Civil Rights Act of 1964* (see Attachment F). The form may be filled out by the complainant, their representative, or a Title VI coordinator. A verbal complaint may be taken, but then must be written up on Form HS-2631. Unless a complaint is already being filed at the state or federal level, it is preferred that all complaints be first filed at the local level - within thirty (30) days of the alleged discriminatory act. Experience shows that complaints are more easily resolved at the point of origination.
- B. Record the complaint in the Title VI Complaint Log. List complainant identification and type/status of complaint.
- C. Send the original copy of the complaint to the department Title VI Coordinator in Nashville (include all pertinent documentation). Give a copy of the complaint to the complainant and retain one for facility files. The local Title VI coordinator must notify the department Title VI Coordinator immediately when any complaint is filed.
- D. Mail a letter to the complainant acknowledging receipt of the complaint within five (5) calendar days of the date that complaint was received.
- E. Conduct fact-finding investigations within thirty (30) calendar days of receipt of the complaint. The local Title VI coordinator is responsible for this initial investigation.
- F. Report investigation findings to departmental management within five (5) days of completion of investigation. If the report includes a finding of violation of Title VI, the facility should include any proposed remedial action in the *Report of Investigation*, Form HS-2632 (see Attachment G). Within five (5) calendar days after this report, the written findings will be given to the complainant. At this time, the complainant will also be informed of their right to appeal to the state or federal level if there is disagreement with investigation findings or the proposed remedial action (include appeal form and instructions for filing).
- G. To file an appeal - instruct the complainant to complete Form HS-2634, *Appeal from Finding* (see Attachment H). The local coordinator must forward to the departmental coordinator a copy of the complaint, the findings, the proposed action, and the request for an appeal within ten (10) calendar days after the date of the appeal. The form will then be forwarded to the Tennessee Title VI Compliance Commission or the complainant may mail the form directly.
 - Tennessee Title VI Compliance Commission
505 Deaderick St.
James K. Polk Building
Nashville, TN 37243-0635
(615) 253-6717

The complainant may also file an appeal with the U. S. Department of Health & Human Services or other federal agency.

- U.S. Department of Health & Human Services
Office for Civil Rights
Atlanta Federal Center
61 Forsyth Street, S.W., Suite 3B70
Atlanta, GA 30303
Phone: (800) 368-1019/(404) 562-7886

General Information

According to federal regulations, a federal complaint (to the U.S. Department of Health and Human Services, Department of Justice, or other federal agency) must be filed no later than 180 calendar days after the alleged discrimination occurred. To allow a complainant time to file sequentially within the department and externally to the department (if desired) the complaint should be filed at the local or departmental level no later than 30 calendar days after the alleged discrimination occurred. If a complaint is filed beyond the 30 calendar day period, the department will still investigate and process the complaint if the filing is prompt enough to allow the departmental proceedings to be concluded and still leave sufficient time for the complainant to file externally.

If a complaint is filed both within the department and externally to the department (state or federal level) during the same period, the external complaint supersedes the internal complaint filing; accordingly, the local level or departmental level complaint procedures will be suspended pending outcome of the external complaint.

A complainant has the right to withdraw their complaint or appeal request at any time. The withdrawal must be submitted in writing, preferably on Form HS-2633, *Withdrawal of Complaint or Appeal for Fair Hearing* (see Attachment I).

Forms and Reports

- Form HS-2631, *Complaint under Civil Rights Act of 1964*, may be used for filing complaints. In lieu of using the complaint form, the complainant can prepare a letter describing the complaint.
- Form HS-2632, *Report of Investigation*, may be used to summarize and report the findings of an investigation; or the general outline of the form can be incorporated into a report structured by the investigator, if it addresses the essential issues outlined in the form.
- Form HS-2633, *Withdrawal of Complaint or Appeal for Fair Hearing*, should be used if a complaint or a request for appeal (to the state level) is withdrawn. A request for withdrawal must be in writing.
- Commission). Form HS-2634, *Appeal from Finding*, may be used to appeal a finding, or the proposed remedial action by the agency, to the state level (Tennessee Human Rights
- Form HS-2635, *Title VI Self-Survey*, must be submitted annually by each agency to report facility demographics, including racial and ethnic data.

DEFINITIONS

ACCENT: Automated Client Certification and Eligibility Network for Tennessee

ADA: Americans with Disabilities Act

Agency: Any of the several federal departments or independent agencies having Title VI responsibilities.

Applicant: One who submits an application, request, or plan required to be approved by a department official, or by a primary recipient, as a condition of eligibility for federal financial assistance.

APS: Adult Protective Services

Assurance: A written statement or contractual agreement signed by the agency head in which a recipient agrees to administer federally assisted programs in accordance with civil rights laws and regulations.

Beneficiaries: Those persons to whom assistance, services, or benefits are ultimately provided.

CACFP: Child and Adult Care Food Program

CAP: Community Action Program

CFR: Code of Federal Regulations

Civil Rights Compliance Reviews: Regular systematic inspections of agency programs conducted to determine regulatory compliance with civil rights laws and regulations. Compliance reviews determine compliance and noncompliance in the delivery of benefits and services in federally assisted programs. They identify problems, such as denial of full benefits, barriers to participation, different treatment, lack of selection to advisory boards and planning committees, lack of information, and denial of the right to file a civil rights complaint. Compliance reviews may be conducted on-site or through desk audits.

Complainant: Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by Title VI and makes or initiates the complaint in a legal action or proceeding.

Complaint: A verbal or written allegation of discrimination which indicates that any federally-assisted program is operated in such a manner that it results in disparity of treatment to persons or groups of persons because of race, color, or national origin.

Compliance: The fulfillment of the requirements of Title VI, other applicable laws, implementing regulations, and instructions to the extent that no distinctions are made in the delivery of any service or benefit on the basis of race, color, or national origin. (See also conciliatory agreement and *noncompliance*.)

Compliance Review: See *Civil Rights Compliance Reviews*

Conciliatory Agreement: A voluntary agreement between a federal agency and the state or between the state and a subrecipient that provides for corrective action to be taken by a recipient to eliminate discrimination in any program receiving federal assistance.

Contractor: A person or entity that agrees to perform services at a specified price.

CSBG: Community Services Block Grant

Desk Audit: A desk audit is a structured paper review of statistical and narrative information submitted by recipients or agency program offices, of compliance information obtained before or without going on-site, conducted according to review procedures. Desk audits include routine reviews of assurance forms or other documents to ensure that they have been properly completed.

DHHS: U.S. Department of Health and Human Services

DHS: Tennessee Department of Human Services

Discrimination: To make any distinction between one person or group of persons and others, either intentionally, by neglect, or by the effect of actions or lack of actions based on race, color, or national origin.

EBT: Electronic Benefits Transfer - automated system replacing food stamp coupons

Families First: Tennessee's welfare reform program (replacing AFDC) to help families gain independence from welfare by emphasizing personal responsibility, and help them enter the work force by providing education, job training, employment activities, placement assistance, transportation, child care assistance, and other support services

Federal Assistance: Any funding, property, aid, technical assistance, grants, or partnerships provided for the purpose of assisting a beneficiary. This assistance may be provided in the form of grants, contracts, cooperative agreements, loans, loan guarantees, property, interest subsidies, insurance, direct appropriations, and other non-cash assistance. It includes assistance received directly from federal agencies, or indirectly through other units of state and local governments.

FIRST: Family Investment Resource System for Tennessee

FNS: Food and Nutrition Services (Agency of USDA)

MESS: Medicaid Eligibility Services Section

Minority: A person or groups of persons differing from others in some characteristics and often subjected to differential treatment on the basis of race, color, or national origin.

Noncompliance: Failure or refusal to comply with Title VI of the Civil Rights Act of 1964, other applicable civil rights laws, and implementing departmental regulations. (See compliance.)

Parity: The proportion of minority participation to the minority eligible population of a service delivery point is the same as the proportion of non-minority participation to the non-minority eligible population of the same delivery point.

Post-award Review: A routine inspection of agency programs during and after federal assistance has been provided to the beneficiary or recipient. These reviews may be cyclical or based on a priority system contingent upon the potential for noncompliance in individual programs. Reviews are normally conducted through on-site visits; however, desk audits and other mechanisms may also be used to assess operation of federally assisted programs. A post-award review may result in a written report that shows the compliance status of agency program offices and recipients. When necessary, the report will contain recommendations for corrective action. If the program office or recipient is found to be in noncompliance, technical assistance and guidance must be provided to

bring the recipient into voluntary compliance. If voluntary compliance cannot be secured, formal enforcement action is then initiated.

Potential Beneficiaries: Those persons who are eligible to receive federally assisted program benefits and services.

Pre-award Review: A desk audit of the proposed operations of a program applicant for federal assistance prior to the approval of the assistance. The department must determine that the program or facility will be operated such that program benefits will be equally available to all eligible persons without regard to race, color, or national origin. The applicant may provide methods of administering the program designed to ensure that the primary recipient and subrecipients under the program would comply with all applicable regulations, and correct any existing or developing instances of noncompliance. If the documentation provided by the applicant for the desk audit is inadequate to determine compliance, then an on-site evaluation may be necessary.

Primary Recipient: Any recipient, which is authorized or required to extend federal financial assistance to another recipient for the purpose of carrying out a program.

Program: Any program, project, or activity for the provision of services, financial aid, or other benefits to individuals, or for the provision of facilities for furnishing services, financial aid, or other benefits to individuals.

Public Notification: Process of publicizing information on the availability of programs, services and benefits to minorities and statements of nondiscrimination. This is attained through use of newspapers, newsletters, periodicals, radio and television, community organizations, and grassroots and special needs directories, brochures, and pamphlets.

Recipient: Any state, political subdivision of any state, or instrumentality of any state or political subdivision, any public or private agency, institution, or organization, or other entity or any individual in any state to whom federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but not including any ultimate beneficiary under such program.

Secondary Recipient: Any recipient that receives financial assistance to carry out a program through a primary recipient or other subrecipient.

Service Delivery Point: The place in which federally assisted program services or benefits are administered to the public.

TANF: Temporary Assistance for Needy Families – replaced federal AFDC grants as a result of the passing of Personal Responsibility Work Opportunity Reconciliation Act (PRWORA)

TennCare: Tennessee's health insurance program for uninsured, uninsurable and Medicaid eligible populations

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-4: Federal law prohibiting discrimination based on race, color, or national origin. It covers all forms of federal aid except contracts of insurance and guaranty. It does not cover employment, except where employment practices result in discrimination against program beneficiaries or where the purpose of the federal assistance is to provide employment.

Vendor: An individual, group, public or private organization or institution, political entity, or commercial enterprise which, pursuant to any contract, agreement, or other arrangement with a recipient or subrecipient provides generally required goods or services which are used by or available to a beneficiary of a program.

